



House of Representatives

General Assembly

File No. 658

January Session, 2011

House Bill No. 6630

House of Representatives, April 28, 2011

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING ACCESS BY STATE MARSHALS TO RECORDS OF THE DEPARTMENT OF MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 14-10 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (f) The commissioner may disclose personal information from a
5 motor vehicle record to:

6 (1) Any federal, state or local government agency in carrying out its
7 functions or to any individual or entity acting on behalf of any such
8 agency, or

9 (2) Any individual, organization or entity that signs and files with
10 the commissioner, under penalty of false statement as provided in
11 section 53a-157b, a statement on a form approved by the
12 commissioner, together with such supporting documentation or

13 information as the commissioner may require, that such information
14 will be used for any of the following purposes:

15 (A) In connection with matters of motor vehicle or driver safety and
16 theft, motor vehicle emissions, motor vehicle product alterations,
17 recalls or advisories, performance monitoring of motor vehicles and
18 dealers by motor vehicle manufacturers, motor vehicle market research
19 activities including survey research, motor vehicle product and service
20 communications and removal of nonowner records from the original
21 owner records of motor vehicle manufacturers to implement the
22 provisions of the federal Automobile Information Disclosure Act, 15
23 USC 1231 et seq., the Clean Air Act, 42 USC 7401 et seq., and 49 USC
24 Chapters 301, 305 and 321 to 331, inclusive, as amended from time to
25 time, and any provision of the general statutes enacted to attain
26 compliance with said federal provisions;

27 (B) In the normal course of business by the requesting party, but
28 only to confirm the accuracy of personal information submitted by the
29 individual to the requesting party;

30 (C) In connection with any civil, criminal, administrative or arbitral
31 proceeding in any court or government agency or before any self-
32 regulatory body, including the service of process, an investigation in
33 anticipation of litigation by an attorney-at-law or any individual acting
34 on behalf of an attorney-at-law and the execution or enforcement of
35 judgments and orders, or pursuant to an order of any court provided
36 the requesting party is a party in interest to such proceeding;

37 (D) In connection with matters of motor vehicle or driver safety and
38 theft, motor vehicle emissions, motor vehicle product alterations,
39 recalls or advisories, performance monitoring of motor vehicles and
40 motor vehicle parts and dealers, producing statistical reports and
41 removal of nonowner records from the original owner records of
42 motor vehicle manufacturers, provided the personal information is not
43 published, disclosed or used to contact individuals except as permitted
44 under subparagraph (A) of this subdivision;

45 (E) By any insurer or insurance support organization or by a self-
46 insured entity or its agents, employees or contractors, in connection
47 with the investigation of claims arising under insurance policies,
48 antifraud activities, rating or underwriting;

49 (F) In providing any notice required by law to owners or lienholders
50 named in the certificate of title of towed, abandoned or impounded
51 motor vehicles;

52 (G) By an employer or its agent or insurer to obtain or verify
53 information relating to a holder of a passenger endorsement or
54 commercial driver's license required under 49 USC Chapter 313, and
55 sections 14-44 to 14-44m, inclusive;

56 (H) In connection with any lawful purpose of a labor organization,
57 as defined in section 31-77, provided (i) such organization has entered
58 into a contract with the commissioner, on such terms and conditions as
59 the commissioner may require, and (ii) the information will be used
60 only for the purposes specified in the contract other than campaign or
61 political purposes;

62 (I) For bulk distribution for surveys, marketing or solicitations
63 provided the commissioner has obtained the express consent of the
64 individual to whom such personal information pertains;

65 (J) For the purpose of preventing fraud by verifying the accuracy of
66 personal information contained in a motor vehicle record, including an
67 individual's photograph or computerized image, as submitted by an
68 individual to a legitimate business or an agent, employee or contractor
69 of a legitimate business, provided the individual has provided express
70 consent in accordance with subdivision (5) of subsection (a) of this
71 section;

72 (K) Inclusion of personal information about persons who have
73 indicated consent to become organ and tissue donors in a donor
74 registry established by a procurement organization, as defined in
75 section 19a-289a;

76 (L) By any private detective or private detective licensed in
77 accordance with the provisions of chapter 534, in connection with an
78 investigation involving matters concerning motor vehicles;

79 (M) By a state marshal, for use in the performance of such state
80 marshal's duties under [the provisions of section 6-38a. Such
81 information may be requested by facsimile transmission, or by such
82 other means as the commissioner may require, and shall be provided
83 by facsimile transmission, or by such other means, within a reasonable
84 time] any provision of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	14-10(f)

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact associated with providing state marshals access to personal information in motor vehicle records of the Department of Motor Vehicles.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 6630*****AN ACT CONCERNING ACCESS BY STATE MARSHALS TO RECORDS OF THE DEPARTMENT OF MOTOR VEHICLES.*****SUMMARY:**

This bill expands the purposes for which the Department of Motor Vehicles (DMV) commissioner may disclose personal information from motor vehicle records to a state marshal. It allows the commissioner to disclose the information for the marshal's use in performing any of his or her statutory duties, instead of only when he or she is performing legal executions or serving process. It also eliminates specific requirements that the (1) state marshal request the information by fax or other means the commissioner requires and (2) commissioner provide the information by fax or other means within a reasonable time.

The law, unchanged by the bill, requires anyone seeking this information, including a state marshal, to sign and file with DMV, under penalty of false statement, a statement that the information will be used only for the purpose allowed.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 45 Nay 0 (04/14/2011)